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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,744	03/04/2004	Satoru Shinozaki	392.1877	3607
21171	7590	10/17/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CABRERA, ZOILA E	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,744	SHINOZAKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zoila E. Cabrera	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 March 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/4/04; 4/12/05; 8/6/05 *RE*

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kralowetz et al. (US 4,387,327).

Regarding claim 1, Kralowetz discloses an apparatus for creating a processing program used for a numerical control device, comprising:

fixed form program storage means for storing a plurality of fixed form programs including an undefined data portion and used to create said processing program (Col. 2, lines 33-38; Col. 2, line 68 – Col. 3, line 3); selection means for selecting one fixed form program from said fixed form program storage means (Col. 2, lines 33-38, it is inherent that the fixed program is stored in the computer); and input means for inputting data to the undefined data portion included in the fixed form program selected by said selection means (Col. 2, line 68 – Col. 3, line 3; Col. 3, lines 51-53), wherein the data is inputted to the undefined data portion in said fixed form program by means of said input means so as to create the processing program by using the fixed form program (Col. 2, line 68 – Col. 3, line 3; Col. 3, lines 55-57; Col. 4, lines 3-6).

Regarding claim 2, the same citations applied to claim 1 above apply as well for this claim. Kralowetz further discloses the program data stored in said program data storage means is read based on the data inputted to the undefined data portion included in said fixed form program by means of said input means (Col. 3, lines 55-56, i.e., based on input data the computer computes. Please note that the computer 1 comprises an arithmetic unit and an interpolator that would inherently include formulas; Col. 2, lines 33-38) and is replaced in another undefined data portion in the fixed form program so as to create the processing program (Col. 3, lines 56-67, the change point positions and end point positions correspond to the other undefined data portion).

As for claim 3, the same citations applied to claim 1 above apply as well for this claim. Kralowetz further discloses formula storage means for storing a formula for determining program data used in said fixed form programs (Col. 2, lines 33-38; Col. 2, lines 53-58); the program data is determined with the formula stored by said formula storage means by using the data inputted to the undefined data (Col. 2, lines 53-58; Col. 2, lines 33-38, arithmetic unit and interpolator) ;

As for claim 4, symbols are provided within the fixed form program in order to identify the undefined data portion included in said fixed form program as the data to be inputted (Col. 3, lines 49, i.e., x, y,).

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Munekata et al. (US 4,530,046).

Regarding claims 1-4, Munekata discloses reading and selecting NC data block (Fig. 17) that corresponds to the fixed program; the undefined portions correspond to

the G codes corresponding to X, Y, Z positions that are determined (Fig. 12). Please note that for drilling an NC block of data is read and thereafter is modified with the corresponding calculation of coordinates that correspond to the undefined data(Col. 11, lines 1-68).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.



Zoila Cabrera  
Patent Examiner  
10/12/05